

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. no. 09/683,426

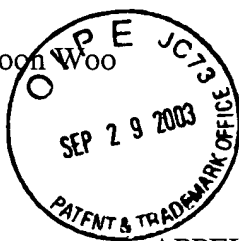
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**GROUP 3600**

APPELLANT'S BRIEF

**(1) Real party in interest.** The real party in interest is one or more of the following entities: assignee Ascom Hasler Mailing Systems, Inc., Hasler Mailing Systems Inc., Neopost Group, and Mailroom Technology Inc.

**(2) Related appeals and interferences.** No related appeals or interferences are known to applicant.

**(3) Status of claims.** The application was filed with 36 claims, and 36 claims are now pending. The 36 claims now pending are identical to the claims as filed, with the exception of claim 33 which was amended to correct a typographical error due to a defect in the PASAT software. Thus none of the claims has been amended substantively and no amendment has been made in response to any rejection posed by the Examiner.

The rejection of claims 1-36 is appealed.

**(4) Status of amendments.** No amendment has been filed subsequent to final rejection.

**(5) Summary of invention.** It is noted that the application was filed electronically and thus does not have unambiguous page and line numbers. For this reason, the numbered paragraphs of the electronically filed application are cited.

A summary of a first embodiment of the invention, typified by claim 1, follows.

In this embodiment there is a would-be purchaser who purchases a postal indicium. The purchaser has an identity. Importantly the purchaser is not the same thing as the sender, and these two terms have distinct meanings, as shown at paragraph 9.

Before the would-be purchaser is permitted to purchase the indicium, it is required that the would-be purchaser provide first information indicative of his or her identity. The receipt of the first information is shown in Fig. 2, box 20. The requirement is described at paragraph 10, again at paragraph 16, and again at paragraph 23.

Second information is derived functionally from the first information, and is printed upon the postal indicium. The derivation of second information from the first information is described at paragraph 23. Such a postal indicium is shown in Fig. 1, with second information 13. The printing of the second information upon the indicium is shown in Fig. 2, box 21 and is described at paragraph 10 and again at paragraph 23.

An addressed mail piece bearing the postal indicium is received into the mail, shown in Fig. 2, box 22 and as described at paragraph 23. The mail piece is delivered, shown in Fig. 2, box 23 and as described at paragraph 23.

A summary of a second embodiment of the invention, typified by claim 10, follows.

In this embodiment there is a purchaser who has purchased a postal indicium. The purchaser has an identity. Importantly the purchaser is not the same thing as the sender, and these two terms have distinct meanings, as shown at paragraph 9.

An addressed mail piece bearing the postal indicium is presented for receipt into the mail. Before the mail piece is received into the mail, a requirement is imposed that the postal indicium bear information indicative of the identity of the purchaser. This is described at paragraph 25.

The addressed mail piece bearing the postal indicium is received into the mail, shown in Fig. 2, box 22 and as described at paragraph 23. The mail piece is delivered, shown in Fig. 2, box 23 and as described at paragraph 23.

A summary of a third embodiment of the invention, typified by claim 20, follows.

In this embodiment there is a purchaser who has purchased a postal indicium. The purchaser has an identity. Importantly the purchaser is not the same thing as the sender, and these two terms have distinct meanings, as shown at paragraph 9.

The addressed mail piece bearing the postal indicium is received into the mail, shown in Fig. 2, box 22 and as described at paragraph 23.

Before the mail piece is delivered, a requirement is imposed that the postal indicium bear information indicative of the identity of the purchaser. This is described at claim 20 as filed.

The mail piece is delivered, shown in Fig. 2, box 23 and as described at paragraph 23.

A summary of a fourth embodiment of the invention, typified by claim 30, follows.

In this embodiment there is a would-be mail recipient possessing a list of expected senders, described at paragraph 26 and at claim 30 as filed.

The recipient receives a delivered mail piece bearing a postal indicium, the postal indicium bearing information indicative of the identity of the sender of the mail piece. Such an indicium is shown at Fig. 1. The recipient reads the information indicative of the identity of the sender. This is discussed at paragraph 26.

The recipient determines whether the sender whose identity is indicated by the information is on

the list of expected senders. This is discussed at paragraph 26.

A summary of a fifth embodiment of the invention, typified by claim 33, follows.

An adhesive postal indicium comprises:

information indicative of a postage amount printed by a first process;

information indicative of a country printed by the first process; and

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium;

the cryptographically signed information printed by a different process than the first process.

This is shown in Fig. 1 and described in detail at paragraph 18.

A summary of a sixth embodiment of the invention, typified by claim 34, follows.

A plurality of adhesive postal indicia are purchased by a purchaser. Each of the postal indicia comprises information indicative of a postage amount printed by a first process, and information indicative of a country printed by the first process. In addition, each of the indicia comprises cryptographically signed information indicative of the identity of the purchaser. The cryptographically signed information is printed by a different process than the first process. This is shown in Fig. 1 and described in detail at paragraph 18.

A summary of a seventh embodiment of the invention, typified by claim 35, follows.

A printing apparatus comprises:

a plurality of adhesive postal indicia (Fig. 3, item 30), each postal indicium comprising information indicative of a postage amount and information indicative of a country, each postal indicium free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia; and

a printer (Fig. 3, item 33) adapted to print upon the plurality of adhesive postal indicia (Fig. 3, item 30) cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia.

This is described in detail at paragraphs 19 and 20.

A summary of an eighth embodiment of the invention, typified by claim 36, follows.

A method is practiced with respect to printing apparatus comprising a plurality of adhesive postal indicia (Fig. 3, item 30), each postal indicium comprising information indicative of a postage amount and information indicative of a country, each postal indicium free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia, and a printer adapted to print upon the plurality of adhesive postal indicia. The printing apparatus is described in detail at paragraphs 19 and 20.

The method comprises the steps of:

receiving information indicative of an identity of a purchaser of the adhesive postal indicia;

cryptographically signing the information indicative of the identity of the purchaser of the adhesive postal indicia; and

printing upon the adhesive postal indicia, by means of the printer, information indicative of the

cryptographically signed information.

This is described in detail at paragraph 21.

**(6) Issues.** What follows is a concise statement of the issues presented for review.

A. Whether the rejection of claim 1 (and claims 3-4, 7 and 9) as supposedly anticipated by PCT publication number WO 95/20200 (“Ruat”) is justified.

B. Whether the rejection of claim 10 (and claims 12-13, 16 and 18-19) as supposedly anticipated by PCT publication number WO 95/20200 (“Ruat”) is justified.

C. Whether the rejection of claim 20 (and claims 22-23, 26 and 28-29) as supposedly anticipated by PCT publication number WO 95/20200 (“Ruat”) is justified.

D. Whether the rejection of claim 30 (and claim 31) as supposedly anticipated by PCT publication number WO 95/20200 (“Ruat”) is justified.

E. Whether the rejection of claim 1 (and claims 3-4, 6-9) as supposedly anticipated by US Pat. No. 5,953,426 (“Windel”) is justified.

F. Whether the rejection of claim 10 (and claims 12-13 and 15-19) as supposedly anticipated by US Pat. No. 5,953,426 (“Windel”) is justified.

G. Whether the rejection of claim 20 (and claims 22-23 and 25-29) as supposedly anticipated by US Pat. No. 5,953,426 (“Windel”) is justified.

H. Whether the rejection of claim 30 (and claims 31-32) as supposedly anticipated by US Pat. No. 5,953,426 (“Windel”) is justified.

I. Whether the rejection of claim 33 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 ("Brasington") is justified.

J. Whether the rejection of claim 34 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 ("Brasington") is justified.

K. Whether the rejection of claim 35 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 ("Brasington") is justified.

L. Whether the rejection of claim 36 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 ("Brasington") is justified.

M. Whether the rejection of claim 33 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.

N. Whether the rejection of claim 34 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.

O. Whether the rejection of claim 35 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.

P. Whether the rejection of claim 36 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.

**(7) Grouping of claims.** For the convenience of the Board, and for no other purpose, the claims are grouped as follows.

Claims 1-9 are grouped, solely for purposes of appeal, to stand and fall together. Applicant does not concede that the claims in this group lack distinct patentability.

Claims 10-19 are grouped, solely for purposes of appeal, to stand and fall together. Applicant does not concede that the claims in this group lack distinct patentability.

Claims 20-29 are grouped, solely for purposes of appeal, to stand and fall together. Applicant does not concede that the claims in this group lack distinct patentability.

Claims 30-32 are grouped, solely for purposes of appeal, to stand and fall together. Applicant does not concede that the claims in this group lack distinct patentability.

Claim 33 stands alone.

Claim 34 stands alone.

Claim 35 stands alone.

Claim 36 stands alone.

**(8) Argument.**

Before discussing the arguments presented with respect to particular claims, a few general comments regarding the cited references will be helpful.

Ruat (PCT publication WO 95/20200) is not in the English language but is in French. The Examiner has nowhere cited to any page or line number of the publication, other than a citation to the Abstract. The record is devoid of any citation to any French-language portion of the publication nor has the Examiner provided any English-language translation of any portion of the publication.

Brasington (US Pat. No. 5,923,406) was cited by applicant in the application as filed at paragraph 5. Brasington is apparently cited by the Examiner merely for the proposition that adhesive



postage stamps are known.

*A. Whether the rejection of claim 1 (and claims 3-4, 7 and 9) as supposedly anticipated by PCT publication number WO 95/20200 ("Ruat") is justified.*

Claim 1, with portions labeled with letters for convenient reference, is:

1. A method for use with mail pieces and with a purchaser having an identity, the method comprising the steps of:
  - (a) requiring, as a precondition of purchasing at least one postal indicium, receipt of first information indicative of the purchaser's identity,
  - (b) deriving second information functionally from said first information;
  - (c) printing said second information upon the at least one postal indicium;
  - (d) receiving an addressed mail piece with the at least one postal indicium into the mail; and
  - (e) delivering the addressed mail piece.

**"Purchaser."** A first difficulty with the rejection is that the claim, a method claim, centers on a "purchaser" and a "purchase." Applicant's attorney, despite diligent review of the English portions of Ruat, is unable to find a "purchaser" or a "purchase." The Abstract talks about a "sender" but as is well known, the "sender" of a mail piece is often not the same person as the "purchaser" of a postal indicium. Indeed lest there be any doubt that "purchaser" and "sender" are not synonymous, consider paragraph 9 of the application as filed, which says:

It would thus be extremely desirable to have a system and method for using postage stamps which permits the flexibility of use on such date as a sender may choose, and yet which permit knowing the identity of a **sender of mail pieces** or of a **purchaser of the stamps**.

If the terms "purchaser" and "sender" were indeed synonymous (as would have to be the case for the Examiner's rejection to stand) then there would have been no need to distinguish, in paragraph 9, between the two terms.

It is also noted that the term “purchaser” appear in claims 1, 10, 19, 20, 29, 33, 34, 35 and 36. It is also noted that the term “sender” appears in claims 30, 31 and 32. If the terms were indeed synonymous (as would have to be the case for the Examiner’s rejection to stand) then there would have been no need to use the distinct terms in the claims.

One person may purchase a stamp while a different person may use the stamp to mail a mail piece. The Examiner was requested to point to the page and line number in Ruat where the “purchaser” is found, and the page and line number where the “purchase” is found. As of the present time the record is devoid of any indication where either term may be found in the supposedly anticipatory reference.

In the final rejection, the Examiner’s argument regarding these limitations missing from Ruat is:

In response to applicant’s arguments, the recitation a “purchaser” or a “purchase” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

For the Examiner’s citation of this authority to be apposite, it would have to be the case that the terms “purchaser” and “purchase” appear only in the preamble. Limitation (a), however, is:

(a) requiring, as a precondition of purchasing at least one postal indicium, receipt of first information indicative of the purchaser’s identity,

It may be seen, therefore, that the verb “purchasing” and the noun “purchaser” are found in a part of the claim that is not the preamble. The Examiner has failed to show where, in the cited reference, this limitation may be found, and it is not a preamble limitation.

Indeed it may be seen that the Examiner’s failure to find this limitation in the cited reference leaves additional limitations unmet in the cited reference. If there is no “purchaser’s identity” in the cited reference (thus failing to anticipate limitation (a)), then it follows automatically that there is no “first information indicative of” that purchaser’s identity. In that case it is (by

definition) impossible to provide limitation (b), since without the “first information” it is impossible to derive “second information” therefrom. In that case it is also impossible to provide limitation (c), since without the “second information” it is impossible to print that second information upon the postal indicium. It is also impossible to address a mail piece with such an indicium since the indicium cannot be printed, and for this reason limitation (d) is unmet. Because it is impossible to address such a mail piece with such an indicium, it is impossible for such a mail piece to be received into the mail, and this is a second reason why limitation (d) is unmet in the reference. Because it is impossible to address such a mail piece with such an indicium, it is impossible for such a mail piece to be delivered, and for this reason limitation (e) is unmet in the reference. Finally, because it is impossible to receive such a mail piece into the mail (for reasons just described), this provides a second reason why such a mail piece cannot be delivered, and thus a second reason why limitation (e) is unmet in the reference.

From the above discussion it is apparent that *not one of the limitations* of the claim can be found in the reference. The rejection should be reversed.

A second difficulty with the rejection is that the claim is limited in that there is a requirement, as a precondition of purchasing at least one postal indicium, that information indicative of the purchaser’s identity be received. The Ruat reference, in fact, refers to “automatic invoicing” which apparently would take place after the mail piece is mailed or at least after it is printed, which puts into question whether the time sequence set forth in this limitation (the “precondition”) could possibly be found in the reference. Applicant’s attorney, despite diligent review of the English portions of Ruat, is unable to find such a limitation. The Examiner is requested to point to the page and line number in Ruat where this limitation is found, or to withdraw the rejection.

In response to this argument, the Examiner says:

the abstract [of Ruat] shows that the coded information (24) not only permit automatic invoicing but also prevents fraudulent acts. In order to prevent fraudulent acts, any information indicative of the purchaser’s or sender’s identity should be received by any

postal service before disseminating postal indicia, i.e. preconditioning of purchasing the indicia.

(Final rejection, page 2, para. 1. Emphasis in original.)

The Examiner admits that to be applicable to the claim, Ruat would need to show receipt by the postal service of information indicative of the purchaser's identity before disseminating the postal indicium. The Examiner admits that this is what is meant by "precondition." Yet the Examiner has not shown where, in Ruat, this limitation can be found.

Similar problems present themselves regarding the rejection as to limitations (b) and (c). While the abstract of Ruat hints at printing various information on a mail piece, there is no indication (in the English portion thereof) of printing information indicative of the purchaser upon the indicium.

For limitation (d) to be found in the reference, the reference would need to show that a mail piece bearing information indicative of the identity of the purchaser (rather than, for example, the identity of the return address as suggested in the abstract of Ruat) was received into the mail.

Yet another problem with the citation of Ruat is that the Examiner has not shown there to be a postal indicium anywhere in Ruat. The claim, crucially, limits itself to the **purchase** of a postal indicium, for example a postage stamp. The point of such an indicium is that it indicates the purchase of postage value. In contrast Ruat, so far as its English-language portions are concerned, never mentions a postal indicium, but instead speaks only of information affixed to or printed upon a postal item, for later invoicing. So far as the English-language portions of Ruat are concerned, it appears that Ruat intends that the sender would be invoiced some time after mailing the postal item. The claim, however, is limited to a "postal indicia" never mentioned in the English-language portions of Ruat.

*B. Whether the rejection of claim 10 (and claims 12-13, 16 and 18-19) as supposedly anticipated*

*by PCT publication number WO 95/20200 ("Ruut") is justified.*

Claim 10 is:

A method for use with purchased postal indicia, with mail pieces and with a purchaser having an identity, the method comprising the steps of:

requiring, as a precondition of receiving at least one addressed mail piece with a postal indicium into the mail, that the postal indicium bear information indicative of the identity of the purchaser;

receiving the at least one addressed mail piece with the postal indicium into the mail; and

delivering the at least one addressed mail piece.

The arguments and points made above with respect to "purchase" and "purchaser" apply equally to claim 10, and the rejection of claim 10 should be reversed for the same reasons.

A second difficulty with the rejection is that the claim is limited in that there is a requirement, as a precondition of receiving the addressed mail piece into the mail, that information indicative of the purchaser's identity be borne in the postal indicium. The reference, in fact, refers to "automatic invoicing" which apparently would take place after the mail piece is mailed, which puts into question whether the time sequence set forth in this limitation (the "precondition") could possibly be found in the reference. Applicant's attorney, despite diligent review of the English portions of Ruat, is unable to find such a limitation. The Examiner was requested to point to the page and line number in Ruat where this limitation is found, but the present record is devoid of any such page and line numbers.

For the "receiving" limitation to be found in the reference, the reference would need to show that a mail piece bearing information indicative of the identity of the purchaser (rather than, for example, the identity of the return address as suggested in the abstract of Ruat) was received into the mail. The Examiner was invited to cite a page and line number where this limitation might be found in Ruat, but the present record is devoid of any such page and line numbers.

For all these reasons it is requested that the rejection of claim 10 over Ruat be reversed.

*C. Whether the rejection of claim 20 (and claims 22-23, 26 and 28-29) as supposedly anticipated by PCT publication number WO 95/20200 ("Ruat") is justified.*

Claim 20 is:

A method for use with purchased postal indicia, with mail pieces and with a purchaser having an identity, the method comprising the steps of:

requiring, as a precondition of delivering at least one addressed mail piece with a postal indicium, that the postal indicium bear information indicative of the identity of the purchaser;

receiving the at least one addressed mail piece with the postal indicium into the mail; and

delivering the at least one addressed mail piece.

The arguments and points made above with respect to "purchase" and "purchaser" apply equally to claim 10, and the rejection of claim 10 should be reversed for the same reasons.

For the "receiving" limitation to be found in the reference, the reference would need to show that a mail piece bearing information indicative of the identity of the purchaser (rather than, for example, the identity of the return address as suggested in the abstract of Ruat) was received into the mail.

For all these reasons it is requested that the rejection of claim 20 over Ruat be reversed.

*D. Whether the rejection of claim 30 (and claim 31) as supposedly anticipated by PCT publication number WO 95/20200 ("Ruat") is justified.*

Claim 30 is:

A method for use with mail pieces and with a recipient possessing a list of expected senders, and with a sender having an identity, the method comprising the steps of:

receiving a delivered mail piece bearing a postal indicium, the postal indicium bearing information indicative of the identity of the sender;

reading the information indicative of the identity of the sender; and

determining whether the sender whose identity is indicated by the information is on the list of expected senders.

Applicant's attorney is unable to find any hint or suggestion in the English-language portions of Ruat of a "recipient possessing a list of expected senders." The Examiner was requested to indicate the page and line at which this limitation may be found in Ruat, but the present record lacks any such page and line citation.

Applicant's attorney is unable to find any hint or suggestion in the English-language portions of Ruat of a step of "determining whether the sender whose identity is indicated by the information is on the list of expected senders." The Examiner was requested to indicate the page and line at which this limitation may be found in Ruat, but the present record likewise lacks any such page and line citation..

*E. Whether the rejection of claim 1 (and claims 3-4, 6-9) as supposedly anticipated by US Pat. No. 5,953,426 ("Windel") is justified.*

It is noted that claim 1 is limited in that "the identity of a purchaser" plays a role. The only place in Windel at which the undersigned is able to find the word "identity" is at claim 1, and there it is used in the sense of being identical:

acknowledging validity of said indicium given identity of the computed MAC and the MAC obtained from the indicium.

The Examiner was requested to indicate the page and line where the identity of a purchaser is discussed. The record, however, is devoid of any such indication.

The undersigned is unable to find even any mention of a "purchaser" or a "purchase" anywhere

in the reference. For this additional reason the Examiner was requested to indicate the page and line where a purchaser or purchase is discussed. The record, however, even now lacks any such indication.

The Examiner's response to these missing limitations in Windel is to point to Fig. 18 of Windel, where a "vendor ID" is shown as forming part of a "data authentication code." The Examiner then attempts to use "vendor" as synonymous with "purchaser."

This doesn't work. "Vendor" is not the same as "purchaser", and indeed the terms are nearly opposites. Windel at col. 46, line 28 explains what "vendor" means — it is the manufacturer of a postage meter, for example "Francotyp-Postalia." It is simply false to suggest that a vendor and a purchaser are the same thing.

It is noted that every one of these claims is limited in that a "precondition" is imposed before some later step is performed, namely the step of allowing purchase. The undersigned is unable to find any mention of such a precondition anywhere in the reference. For this additional reason the Examiner was requested to indicate the page and line where this limitation is discussed. The present record, however, lacks any such indication.

Indeed it may be seen that the Examiner's failure to find this limitation in the cited reference leaves additional limitations unmet in the cited reference. If there is no "purchaser's identity" in the cited reference (thus failing to anticipate limitation (a)), then it follows automatically that there is no "first information indicative of" that purchaser's identity. In that case it is (by definition) impossible to provide limitation (b), since without the "first information" it is impossible to derive "second information" therefrom. In that case it is also impossible to provide limitation (c), since without the "second information" it is impossible to print that second information upon the postal indicium. It is also impossible to address a mail piece with such an indicium since the indicium cannot be printed, and for this reason limitation (d) is unmet. Because it is impossible to address such a mail piece with such an indicium, it is impossible for



such a mail piece to be received into the mail, and this is a second reason why limitation (d) is unmet in the reference. Because it is impossible to address such a mail piece with such an indicium, it is impossible for such a mail piece to be delivered, and for this reason limitation (e) is unmet in the reference. Finally, because it is impossible to receive such a mail piece into the mail (for reasons just described), this provides a second reason why such a mail piece cannot be delivered, and thus a second reason why limitation (e) is unmet in the reference.

*F. Whether the rejection of claim 10 (and claims 12-13 and 15-19) as supposedly anticipated by US Pat. No. 5,953,426 ("Windel") is justified.*

It is noted that every one of these claims is limited in that "the identity of a purchaser" plays role. The only place in Windel at which the undersigned is able to find the word "identity" is at claim 1, and there it is used in the sense of being identical:

acknowledging validity of said indicium given identity of the computed MAC and the MAC obtained from the indicium.

The Examiner was requested to indicate the page and line where the identity of a purchaser is discussed. The present record, however, shows no such citation where such a limitation may be found.

The undersigned is unable to find even any mention of a "purchaser" or a "purchase" anywhere in the reference, and the Examiner has cited no page and line number for such a limitation.

It is noted that the claim is limited in that a "precondition" is imposed before some later step is performed, namely the step of receiving a mail piece into a mail stream. The undersigned is unable to find any mention of such a precondition anywhere in the reference. For this additional reason the Examiner was requested to indicate the page and line where this limitation is discussed. The present record contains no such indication.

*G. Whether the rejection of claim 20 (and claims 22-23 and 25-29) as supposedly anticipated by US Pat. No. 5,953,426 ("Windel") is justified.*

It is noted that every one of these claims is limited in that "the identity of a purchaser" plays role. The only place in Windel at which the undersigned is able to find the word "identity" is at claim 1, and there it is used in the sense of being identical:

acknowledging validity of said indicium given identity of the computed MAC and the MAC obtained from the indicium.

The Examiner was requested to indicate the page and line where the identity of a purchaser is discussed, but the present record shows no such indication.

The undersigned is unable to find even any mention of a "purchaser" or a "purchase" anywhere in the reference. For this additional reason the Examiner was requested to indicate the page and line where a purchaser or purchase is discussed, but no such indication has been made.

It is noted that claim 20 is limited in that a "precondition" is imposed before some later step is performed, namely the step of delivering a mail piece. The undersigned is unable to find any mention of such a precondition anywhere in the reference. For this additional reason the Examiner was requested to indicate the page and line where this limitation is discussed. No such indication has been made.

*H. Whether the rejection of claim 30 (and claims 31-32) as supposedly anticipated by US Pat. No. 5,953,426 ("Windel") is justified.*

It is noted that every one of these claims is limited in that "the identity of a purchaser" plays role. The only place in Windel at which the undersigned is able to find the word "identity" is at claim 1, and there it is used in the sense of being identical:

acknowledging validity of said indicium given identity of the computed MAC and the MAC obtained from the indicium.

The Examiner was requested to indicate the page and line where the identity of a sender is

discussed, but no such indication has been made.

Other limitations from claim 30 are also, so far as applicant's attorney can discern, missing from Windel. These include "a list of expected senders" and "determining whether the sender whose identity is indicated by the information is on the list of expected senders." The record lacks any indication by the Examiner where these limitations can be found. The rejection should be reversed.

*I. Whether the rejection of claim 33 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 ("Brasington") is justified.*

Claim 33 is:

An adhesive postal indicium comprising:

information indicative of a postage amount printed by a first process;

information indicative of a country printed by the first process; and

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium;

the cryptographically signed information printed by a different process than the first process.

The Examiner was respectfully requested to provide the page and line at which the following limitations can be found:

- a. the postage amount and country information are printed by the same process;
- b. information indicative of the identity of a purchaser is printed by a different process;
- c. the information indicative of the identity of the purchaser is cryptographically signed.

The present record shows no hint or suggestion where these limitations may be found in either of

the cited references.

It is suggested that if three of four limitations in a claim cannot be found in any of the cited references, an obviousness-type rejection is inappropriate.

The comments made above in connection with the rejection of claim 1 over Ruat are applicable here as well. Nowhere in Ruat has the Examiner shown even a hint of the “identity of a purchaser” limitation.

Ruat also teaches away from the notion of using “a process” and “a different process” for printing; Ruat teaches using a single printer and a single printing process to print what it prints.

For all these reasons the rejection should be reversed.

*J. Whether the rejection of claim 34 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 (“Brasington”) is justified.*

Claim 34 contains the limitations of claim 33 and thus the rejection should be reversed for the reasons given above.

Claim 34 is further limited in that a plurality of indicia are involved and a single purchaser has purchased them. The Examiner was respectfully requested to provide the page and line at which this limitation could be found, but no such indication has been made. The rejection should be reversed for this reason as well.

*K. Whether the rejection of claim 35 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 (“Brasington”) is justified.*

Claim 35 is:

Printing apparatus comprising:

a plurality of adhesive postal indicia, each postal indicium comprising information indicative of a postage amount and information indicative of a country, each postal indicium free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia; and

a printer adapted to print upon the plurality of adhesive postal indicia cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia.

This claim is limited in that a “purchaser” is involved. For the reasons stated above in connection with claim 1 and Ruat, it is requested the rejection be reversed.

The claim has the following limitations:

a. prior to printing by the claimed printer, the plurality of adhesive postal indicia are all free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia

b. the claimed printer prints cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia upon the adhesive postal indicia.

The Examiner was invited to provide the page and line number where these limitations may be found. No such citation has been made. Where, as here, nearly all the limitations of the claim are apparently missing from either of the two cited references, an obviousness rejection is inappropriate.

It is important not to omit consideration of each of the claim limitations. Here, a temporal relationship is set forth. Prior to printing by the claimed printer, the indicia are free from certain indications, and yet contain certain other indications. Yet Ruat and Brasington each actively teach away from such a temporal relationship. Instead, each of the references teaches printing *everything at once*. Given their teaching away from the claim limitation, the obviousness-type rejection is inappropriate.

*L. Whether the rejection of claim 36 as supposedly obvious in view of a two-way combination of Ruat and US Pat. No. 5,923,406 (“Brasington”) is justified.*

Claim 36, a method claim, even more explicitly sets forth the temporal relationship just discussed in connection with claim 35. The cited references each teach away from such a temporal relationship, and the obviousness-type rejection should be reversed.

*M. Whether the rejection of claim 33 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.*

Claim 33 is:

An adhesive postal indicium comprising information indicative of a postage amount printed by a first process;

information indicative of a country printed by the first process; and

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium;

the cryptographically signed information printed by a different process than the first process.

The Examiner was requested to provide the page and line at which the following limitations can be found:

- a. the postage amount and country information are printed by the same process;
- b. information indicative of the identity of a purchaser is printed by a different process;
- c. the information indicative of the identity of the purchaser is cryptographically signed.

The present record shows no hint or suggestion where these limitations may be found in either of the cited references.

It is suggested that if three of four limitations in a claim cannot be found in any of the cited references, an obviousness-type rejection is inappropriate.

The comments made above in connection with the rejection of claim 1 over Windel are applicable here as well. Nowhere in Windel has the Examiner shown even a hint of the "identity of a purchaser" limitation.

Windel also teaches away from the notion of using "a process" and "a different process" for printing; Windel teaches using a single printer and a single printing process to print what it prints.

For all these reasons the rejection should be reversed.

*N. Whether the rejection of claim 34 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.*

Claim 34 contains the same limitations and thus the rejection should be reversed for the same reasons.

Claim 34 is further limited in that a plurality of indicia are involved and a single purchaser has purchased them. The Examiner was respectfully requested to provide the page and line at which this limitation could be found, but no such indication has been made. The rejection should be reversed for this reason as well.

*O. Whether the rejection of claim 35 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.*

Claim 35 is:

Printing apparatus comprising:

a plurality of adhesive postal indicia, each postal indicium comprising information indicative of a postage amount and information indicative of a country, each postal indicium free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia; and

a printer adapted to print upon the plurality of adhesive postal indicia cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia.

This claim is limited in that a "purchaser" is involved. For the reasons stated above in connection with claim 1 and Windel, it is requested the rejection be reversed.

The claim has the following limitations:

- a. prior to printing by the claimed printer, the plurality of adhesive postal indicia are all free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia
- b. the claimed printer prints cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia upon the adhesive postal indicia.

The Examiner was invited to provide the page and line number where these limitations may be found. No such citation has been made. Where, as here, nearly all the limitations of the claim are apparently missing from either of the two cited references, an obviousness rejection is inappropriate.

It is important not to omit consideration of each of the claim limitations. Here, a temporal relationship is set forth. Prior to printing by the claimed printer, the indicia are free from certain indications, and yet contain certain other indications. Yet Ruat and Brasington each actively teach away from such a temporal relationship. Instead, each of the references teaches printing *everything at once*. Given their teaching away from the claim limitation, the obviousness-type rejection is inappropriate.



*P. Whether the rejection of claim 36 as supposedly obvious in view of a two-way combination of Windel and US Pat. No. 5,923,406 ("Brasington") is justified.*

Claim 36, a method claim, even more explicitly sets forth the temporal relationship just discussed in connection with claim 35. The cited references each teach away from such a temporal relationship, and the obviousness-type rejection should be reversed.

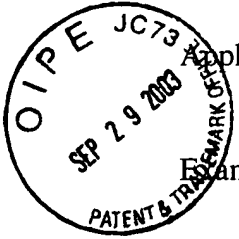
**(9) Appendix.** An appendix is filed herewith.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carl Oppedahl".

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APPENDIX

1. A method for use with mail pieces and with a purchaser having an identity, the method comprising the steps of:

requiring, as a precondition of purchasing at least one postal indicium, receipt of first information indicative of the purchaser's identity,

deriving second information functionally from said first information;

printing said second information upon the at least one postal indicium;

receiving an addressed mail piece with the at least one postal indicium into the mail; and

delivering the addressed mail piece.

2. The method of claim 1 wherein the postal indicium is an adhesive postage stamp.

3. The method of claim 1 wherein the postal indicium is a meter strip.

4. The method of claim 1 wherein the postal indicium is printed on an envelope.
5. The method of claim 1 wherein the postal indicium is printed on a post card.
6. The method of claim 1 wherein the second information is an invisibly printed bar code.
7. The method of claim 1 wherein the second information is a visibly printed bar code.
8. The method of claim 1 wherein the second information is a human-readable message.
9. The method of claim 1 further characterized in that the number of postal indicia comprise a plurality, and wherein the printing, receiving, and delivering steps are carried out with respect to each of the plurality of indicia.
10. A method for use with purchased postal indicia, with mail pieces and with a purchaser having an identity, the method comprising the steps of:

requiring, as a precondition of receiving at least one addressed mail piece with a postal indicium into the mail, that the postal indicium bear information indicative of the identity of the purchaser;

receiving the at least one addressed mail piece with the postal indicium into the mail; and  
*2<sup>nd</sup> information derived by electronic computation from ID*

delivering the at least one addressed mail piece.

11. The method of claim 10 wherein the postal indicium is an adhesive postage stamp.
12. The method of claim 10 wherein the postal indicium is a meter strip.
13. The method of claim 10 wherein the postal indicium is printed on an envelope.

14. The method of claim 10 wherein the postal indicium is printed on a post card.
15. The method of claim 10 wherein the second information is an invisibly printed bar code.
16. The method of claim 10 wherein the second information is a visibly printed bar code.
17. The method of claim 10 wherein the second information is a human-readable message.
18. The method of claim 10 further characterized in that the number of addressed mail pieces comprise a plurality, and wherein the printing, receiving, and delivering steps are carried out with respect to each of the plurality of addressed mail pieces.
19. The method of claim 10 further characterized in that the information indicative of the identity of the purchaser is cryptographically signed, the precondition further characterized as requiring successful checking of the cryptographic signature.
20. A method for use with purchased postal indicia, with mail pieces and with a purchaser having an identity, the method comprising the steps of:  
  
requiring, as a precondition of delivering at least one addressed mail piece with a postal indicium, that the postal indicium bear information indicative of the identity of the purchaser;  
  
receiving the at least one addressed mail piece with the postal indicium into the mail; and  
  
delivering the at least one addressed mail piece.
21. The method of claim 20 wherein the postal indicium is an adhesive postage stamp.

22. The method of claim 20 wherein the postal indicium is a meter strip.

23. The method of claim 20 wherein the postal indicium is printed on an envelope.

24. The method of claim 20 wherein the postal indicium is printed on a post card.

25. The method of claim 20 wherein the second information is an invisibly printed bar code.

26. The method of claim 20 wherein the second information is a visibly printed bar code.

The method of claim 20 wherein the second information is a human-readable message.

28. The method of claim 20 further characterized in that the number of addressed mail pieces comprise a plurality, and wherein the printing, receiving, and delivering steps are carried out with respect to each of the plurality of addressed mail pieces.

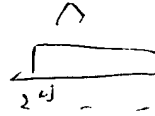
29. The method of claim 20 further characterized in that the information indicative of the identity of the purchaser is cryptographically signed, the precondition further characterized as requiring successful checking of the cryptographic signature.

30. A method for use with mail pieces and with a recipient possessing a list of expected senders, and with a sender having an identity, the method comprising the steps of:

receiving a delivered mail piece bearing a postal indicium, the postal indicium bearing <sup>2nd</sup> information indicative of the identity of the sender; <sub>1st</sub>

<sub>1st</sub>  
reading the information indicative of the identity of the sender; and  
<sub>1st</sub>

determining whether the sender whose identity is indicated by the information is on the list of expected senders.



31. The method of claim 30 further characterized in that the information indicative of the identity of the sender that is borne in the postal indicium is cryptographically signed, and further characterized in that the reading step further comprises checking the cryptographic signature.

32. The method of claim 30 comprising the additional step, performed in the event of the sender not being on the list of expected senders, of inspecting the delivered mail piece.

33. An adhesive postal indicium comprising information indicative of a postage amount printed by a first process;

information indicative of a country printed by the first process; and

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium;

the cryptographically signed information printed by a different process than the first process.

34. A plurality of adhesive postal indicia, each postal indicium comprising:

information indicative of a postage amount printed by a first process;

information indicative of a country printed by the first process; and

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia;

the cryptographically signed information printed by a different process than the first process.

35. Printing apparatus comprising:

a plurality of adhesive postal indicia, each postal indicium comprising information indicative of a postage amount and information indicative of a country, each postal indicium free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia; and

a printer adapted to print upon the plurality of adhesive postal indicia cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia.

36. A method for use with printing apparatus comprising a plurality of adhesive postal indicia, each postal indicium comprising information indicative of a postage amount and information indicative of a country, each postal indicium free of any cryptographically signed information indicative of an identity of a purchaser of the postal indicia, and a printer adapted to print upon the plurality of adhesive postal indicia, the steps of:

receiving information indicative of an identity of a purchaser of the adhesive postal indicia;

cryptographically signing the information indicative of the identity of the purchaser of the adhesive postal indicia;

printing upon the adhesive postal indicia, by means of the printer, information indicative of the cryptographically signed information.